



## DEPARTMENT OF TRANSPORTATION

### MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

31976

[Docket No. HM-127]

#### EXEMPTIONS FROM HAZARDOUS MATERIALS REGULATIONS

##### Interim Procedures

● **Purpose.** The purpose of these interim procedures is to provide for processing of requests for administrative relief from the Department of Transportation's regulations governing the transportation of hazardous materials by air, highway, rail and water pending the issuance of permanent procedures which will reflect the recent consolidation of the authority to grant such relief and implement certain new mandated requirements. ●

**Scope.** These procedures apply to all applications for exemptions, including waivers, deviations or special permits, and all renewals or extensions thereof, with respect to the following bodies of hazardous materials regulations:

1. 14 CFR Part 103 governing transportation of dangerous and magnetized materials by aircraft.

2. 46 CFR Part 146 governing transportation or storage of explosives or other dangerous articles or substances and combustible liquids on board vessels.

3. 49 CFR Parts 172 through 179 governing the transportation and shipment of hazardous materials by rail and highway.

**Background.** Effective July 7, 1975, the authorities to issue, modify, or revoke the regulations governing the transportation of hazardous materials by air, highway, rail and water and bulk transportation (other than ship's stores and supplies and the bulk transportation of hazardous materials which are loaded or carried on board a vessel without benefit of packages or labels and received and handled by the vessel without mark or count) and the authorities to issue, modify, or revoke exemptions therefrom, previously exercised by the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration and the Coast Guard, were consolidated and transferred to the newly established Materials Transportation Bureau. The Materials Transportation Bureau has the responsibility for developing and issuing Department-wide procedural regulations for the implementation of section 107 of the Hazardous Materials Transportation Act (Pub. L. 93-633), which establishes significant new procedural requirements in connection with administrative handling and issuance of hazardous materials exemptions. These new requirements include public proceedings, the issuance of Federal Register notices and the opportunity for public comment on nearly all applications for exemptions.

In addition to the new procedural requirements established by the Hazardous Materials Transportation Act, the United States District Court for the District of Columbia has issued an order requiring, among other things, immediate implementation of similar procedural require-

ments. The United States Court of Appeals for the District of Columbia has granted a temporary stay of the order. The Government has requested an extension of that stay pending appeal of the order. The Government's request was based on a commitment that the new Materials Transportation Bureau would issue procedural regulations by October 15, 1975, fully implementing the new requirements. In this connection it is anticipated that a notice of proposed rule making will be issued on or about July 30, followed by a public comment period of 30 to 45 days.

In view of the centralization and transfer of the authority to issue exemptions and the plan for implementation of the new procedures, it is necessary to establish interim procedures which will minimize the confusion that applicants for exemptions are likely to experience during the conversion period and will avoid unnecessary disruptions in essential movements of goods covered by such exemptions.

**General Procedures.** Except in the case of air transportation applications requiring priority treatment, applications for exemptions, waivers, deviations, or special permits which would have been submitted for processing under 14 CFR 103.5, 14 CFR 11.25 (with respect to the requirements of 14 CFR Part 103), 46 CFR 146.02-25, or 49 CFR 170.13-15 should continue to be prepared in accordance with those sections. However, they should be filed with the Director, Office of Hazardous Materials Operations, Materials Transportation Bureau, Washington, D.C. 20590, for his issuance or denial with a duplicate copy filed as indicated in 14 CFR or 46 CFR, as appropriate.

**Air Transportation Applications Requiring Priority Treatment.** The Federal Aviation Administration, acting in accordance with the procedures in 14 CFR 103.5, will continue to receive and act on applications submitted under that section for authority to deviate from the requirements of 14 CFR Part 103 when such a deviation is necessary for the expeditious transportation of articles for the protection of life or property.

**Termination Date:** These interim procedures are cancelled, effective October 16, 1975.

(18 U.S.C. 831-835; R.S. 4472(7), (11); 46 U.S.C. 170(7), (11); secs. 501(c), 902(h)(1); Pub. L. 85-726, 72 Stat. 775, 784 (49 U.S.C. 1421(c), 1472(h)(1); 49 CFR 154(f)-(h).)

Issued in Washington, D.C., on July 24, 1975

HERBERT H. KAISER, JR.,  
Acting Director,  
Materials Transportation Bureau.

Approved by:

JOHN W. BARNUM,  
Deputy Secretary of  
Transportation

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